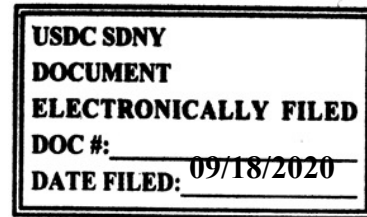




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September 17, 2020



Via ECF

The Honorable Katharine H. Parker
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 750
New York, New York 10007

MEMO ENDORSED

RE: Regus Management Group, LLC, et al. v. Julian Perez, et al.
U.S. Dist. Ct. S.D.N.Y., Case Number 19-cv-6766 (VEC)

Dear Judge Parker:

Please accept this Letter Motion from Regus Management Group, LLC (“Regus”) pursuant to Your Honor’s Individual Practice Rule I(f) seeking a limited adjournment of the Settlement Conference.

Pursuant to Your Honor’s August 5, 2020 Settlement Conference Order (Dkt. No. 78), a Settlement Conference is scheduled for Monday, September 21, 2020 at 2:00 p.m. During that conference, Your Honor instructed Regus to produce unredacted documents to Defendants and Defendants to respond to Regus’ outstanding discovery and otherwise produce those documents Defendants contend support their position that Regus knew of their activity

Consistent with the Court’s instruction, Regus provided copies of the unredacted documents to Defendants on August 27, 2020. Defendants did not, however, produce the documents they referenced in the August 5, 2020 Settlement Conference until 10:17 p.m. Friday, September 11, 2020, or respond to the Regus’ discovery requests until Monday, September 14, 2020 at 11:11 a.m.

In light of lead counsel, Dennis Leone’s existing obligations, including preparation for client obligations and travel to Miami, Florida and Jacksonville, Florida on Thursday, September 17 and Friday, September 18, respectively, and the obligations of Regus’ relevant employees, Regus and the undersigned cannot review, digest, and conduct the additional investigation necessary to meaningfully understand or respond to the responses, documents, and information. Moreover, Defendants failed to answer and, instead and despite purporting to be proceeding *pro se*, asserted objections to and either refused and/or failed to answer a number or interrogatories addressing the

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crux of the liability and damages issues in this matter. In the interrogatories to which Defendants provided any meaningful response, they provided the identities of five individuals they purport were aware of or permitted their conduct. As a result, we need additional time to confer with Defendants regarding their objections, await meaningful responses, and contact and interview no less than the five (5) people identified in their responses to confront them with the additionally provided information.

Regus must undertake additional effort, then, before it can meaningfully participate in the Settlement Conference currently scheduled for Monday, September 21, 2020 at 2:00 p.m. Therefore, Regus hereby requests this Honorable Court adjourn the Settlement Conference until no earlier than October 14, 2020. This is the first request to adjourn the September 21, 2020 Settlement Conference.

It remains Regus' preference to reasonably resolve this matter if possible and Regus intends to continue informal settlement discussions through Mr. Barber once Regus completes its review and investigation. Regus seeks this adjournment not for the purposes of delay but rather to conserve attorneys' fees and promote judicial economy by allowing Regus a reasonable period of time to conduct a meaningful review of the information provided thirty-seven (37) and forty (40) days after it was requested and only, in essence, a week before the Settlement Conference. Despite no reasonable basis for prejudice to Defendants by allowing a reasonable adjournment in light of their delay in responding to the pending discovery and requirement to produce documents, Defendants object to the adjournment through settlement counsel, Mr. Barber. It is the Defendants position, as conveyed by Mr. Barber¹ that: [they] do not believe there is any reason to postpone the Settlement Conference scheduled for September 21, 2020. As Defendants believe that Plaintiffs have had plenty of time and opportunity to produce any documents they possess that could further settlement negotiations, as Plaintiffs have done.

We appreciate your consideration of this request and look forward to your response.

Very truly yours,

s/ Bradley J. Bartolomeo

Bradley J. Bartolomeo of
LEWIS BRISBOIS BISGAARD & SMITH LLP

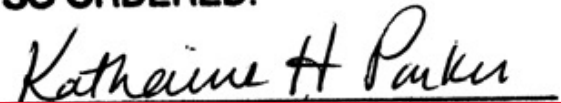
BJB

cc: Defendants Perez, McCarthy, and Alcantara (via ECF)
Philip Barber (via electronic mail)

¹ Per Mr. Barber's e-mail correspondence dated September 16, 2020. A copy of this correspondence was provided to Mr. Barber but at the time of this filing a response was not received.

The settlement conference in this matter currently scheduled for Monday, September 21, 2020 at 2:00 p.m. is rescheduled to Monday, December 7, 2020 at 2:00 p.m. Counsel is directed to call Judge Parker's teleconference line at the scheduled time. Please dial (866) 434-5269, Access code: 4858267. The parties are instructed to complete the Settlement Conference Summary Report and prepare pre-conference submissions in accordance with Judge Parker's Individual Rules of Practice. Pre-conference submissions must be received by the Court no later than November 30, 2020 by 5:00 p.m.

SO ORDERED:

A handwritten signature in black ink that reads "Katharine H. Parker". The signature is written in a cursive style with a horizontal line underneath the name.

**HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE**

09/18/2020